

## **Minutes of Plan Commission Meeting October 19, 2021**

**Call to Order** – Mike Palm called the meeting of the Commission to order at 5:15 PM.

**Roll Call** – Present were Mike Palm, Phil Wedekind, Roy Franzen, Jim O'Neill, Tom Kolb, Dee Marshall, and Matthew Boeggner.

Also in attendance were Tom Pinion, Mayor Rob Nelson, Dave Mitchell, Karen Stanley, Carl Pierce, and Christian Herrild.

### **Call to Order**

- a. Note compliance with the Open Meeting Law. Mayor Designee Palm noted compliance with the Open Meeting Law.
- b. Agenda Approval: It was moved by Wedekind, seconded by Kolb to approve the agenda as posted. Motion carried unanimously.
- c. Minutes Approval: It was moved by Kolb, seconded by Marshall to approve the minutes of September 14, 2021 meeting. Motion carried unanimously.

**Public Invited to Speak** (*Any citizen has the right to speak on any item of business that is on the agenda for Commission action if recognized by the presiding officer.*) – There were no speakers.

### **Public Hearing**

- a. Public Hearing to consider the request of D Mitchell LLC for a Conditional Use Permit to convert the existing two-unit residential dwelling on Lot 60 of the Second Addition to Pleasant View subdivision to two side-by-side single-family residential dwellings at 1811/1813 Park View drive, City of Baraboo, Sauk County, Wisconsin – There being no speakers, the hearing was declared closed.
- b. Public Hearing to consider the request of TEEL for a Conditional Use Permit to allow outdoor storage in an I-1 Industrial zoning district on Lot 1 of Sauk County Certified Survey Map 4100, located at 500 Industrial Court, City of Baraboo, Sauk County, Wisconsin – There being no speakers, the hearing was declared closed.
- c. Public Hearing to consider the request of Driftless Glen Properties, LLC for a Conditional Use Permit to use the existing building at 114 Ash Street as an ancillary storage building (rickhouse) to be used for barreled storage of spirits produced by Driftless Glen Distillery, which is located at 300 Water Street, City of Baraboo, Sauk County, Wisconsin – There being no speakers, the hearing was declared closed.

### **New Business**

- a. Consider the request of D Mitchell LLC for a Conditional Use Permit to convert the existing two-unit residential dwelling on Lot 60 of the Second Addition to Pleasant View subdivision to two side-by-side single-family attached residential dwellings at 1811/1813 Park View Drive, City of Baraboo, Sauk County, Wisconsin – Pinion presented the background to the Commission. It was moved by Kolb, seconded by Franzen to approve the Conditional Use Permit as presented. On roll call vote, for the motion, Ayes – Wedekind, Franzen, O'Neill, Kolb, Marshall, Boeggner, and Palm. Nay – 0, motion carried 7-0.
- b. Review and approve a 2-Lot Certified Survey Map for D Mitchell LLC to create two Side-By-Side Single-Family Attached Dwellings in an R-3 Three- and Four-Family Residential zoning district at 1811/1813 Park View Drive, being Lot 60 of the 2<sup>nd</sup> Addition to Pleasant View subdivision and located in Section 30, T12N, R7E in the City of Baraboo, Sauk County, Wisconsin – It was moved by Wedekind, seconded by Marshall to approve the 2-Lot CSM as presented. On roll call vote for the motion, Ayes – Franzen, O'Neill, Kolb, Marshall, Boeggner, Palm, and Wedekind. Nay – 0, motion carried 7-0.

- c. Consider the request of TEEL for a Conditional Use Permit to allow outdoor storage in an I-1 Industrial zoning district on Lot 1 of Sauk County Certified Survey Map 4100, located at 500 Industrial Court, City of Baraboo, Sauk County, Wisconsin – Pinion presented the background to the Commission. He said that Teel is a tenant in the former LSC Communications building. He said that they produce plastic conduit that is stored on cable reels that are stored outside. The product was previously manufactured and stored at TEEL's headquarters in Gateway Commerce Park. He said that this is in an I-1 zoning district, which requires enclosed storage; however, there is a provision in the Zoning Code under that zoning classification that allows outdoor storage as a Conditional Use. It was moved by Wedekind, seconded by Franzen to approve the Conditional Use Permit to allow outdoor storage in an I-1 zoning district located at 500 Industrial Court as requested. On roll call for the motion, Ayes- O'Neill, Kolb, Marshall, Boeggner, Palm, Wedekind, and Franzen. Nay – 0, motion carried 7 to 0.
- d. Consider the request of Driftless Glen properties, LLC for a Conditional Use Permit to use the existing building at 114 Ash Street as an ancillary storage building (rickhouse) to be used for barreled storage of spirits produced by Driftless Glen Distillery, which is located at 300 Water Street, City of Baraboo, Sauk County, Wisconsin – Pinion said in April the Commission discussed this same property. Driftless Glen was planning an addition on the first rickhouse, closest to the distillery at that point in time, but they have since learned that it was not an effective solution for their needs. He said although their plans at that time were to use this building for general storage, they have reconsidered that use and would like to convert this building to storage for casked spirits and they are in the process of getting State Approved Plans for this project since the proposed occupancy is considered a change of use pursuant to the Commercial Building Code. He said that the original conditional use permit for the Distillery could not be amended to include non-contiguous property. Kolb asked if the certification verifying the high water mark was ever presented to the City for the "patio expansion" that was completed. After researching his files, Pinion said that he did receive correspondence from Brad Boettcher from General Engineering that the "patio" was built above the 100-yr flood elevation. Kolb also brought up the Commission's desire of some signage or a door with an awning to break up the brick façade on Ash Street and repainting the south side of the building along the alley. Pierce said that if this was not a time sensitive matter, they would address these concerns next spring and the Commission agreed. O'Neill questioned the provisions being made for fire safety. Pierce stated they have been in conversation with the City's Fire/Building Inspector; they are getting ready to submit plans for a sprinkler system for that building. He said that it is also his understanding that they are looking at a possible interior firewall, breaking the building up into two zones. Boeggner stated that he received a call from Gary Bower, owner of Gem City, he was concerned about 18,000 gallons of flammable liquid being stored on the other side of wall adjacent to his building, especially because he has apartments above his establishment. Commission felt that fire suppression should be made a condition of this request. Kolb voiced concern regarding the lime green dumpsters and asked if they could be enclosed. Pierce said that they have been enclosed on two sides with gates, he feels that a better job could be done by keeping the gates closed at all times. Palm said that items that the Commission need to be concerned about are the walls need to match the color scheme of the distillery within six months, and the fire suppression system to be part of the motion. Pinion said the other thing mentioned was an awning over the door, or some type of signage. Palm moved to grant the conditional use permit for the building at 114 Ash with the following conditions:
1. The south side of the building receive fresh paint to closely match the existing rickhouses within six months of approve.
  2. Place an awning on the door on Ash Street, within six months of approval.
  3. Fire suppression and an interior firewall be installed prior to any storage of liquor in the building.
- Kolb seconded the motion. One roll call vote for the motion, Ayes – Kolb, Marshall, Boeggner, Palm, Wedekind, Franzen, and O'Neill. Nay – 0, motion carried 7-0.

- e. Review General Development Plan/Specific Implementation Plan in accordance with Steps 3 & 4 of the Planned Development for Karen Stanley, d/b/a First and Ash LLC, to move the existing Bella Vita Café business from the principal structure to the accessory structure (former carriage house) and convert the 1<sup>st</sup> and 2<sup>nd</sup> floors of the principal structure to a single-family residence with the basement level remaining as a commercial kitchen to serve the Café building at 138 1<sup>st</sup> Street, located on the southwest corner of 1<sup>st</sup> and Ash Streets, in a B-1 Central Business zoning district on part of Lots 2 and 3 of Block 46 of the City of Baraboo, formerly Adams, Wisconsin – Pinion said that Stanley has the need and is requesting to convert the building back to a house for her personal use, both first floor and second floor. Pinion said that in the B-1 zoning district it allows dwelling units above the first floor; therefore, it would normally not allow a dwelling on the first floor, let alone a commercial kitchen in the basement. Pinion said that where this is a unique version, where Stanley is keeping part of the business in the basement of a house, converting the accessory structure up to code to the business area, it is screaming for the Planned Development Overlay. Karen Stanley addressed the Commission with her proposed plans. She said that she would like to expand the carriage house 5 feet to the east and five feet to the south, and turn that into the café. She said that she would like to reside in the existing structure on the first and second floor. Stanley said that she would keep the ground level (basement), which really isn't like a basement, it is open on 3 sides, has four exits out of it, She said that the building is like a three story building; however, from 1<sup>st</sup> Street it looks like a 2-story. She said that the accessory structure would have a new roof to match the main building. She said that there would be extended seating in the carriage house café, and a covered roof. She said that the lower part of the carriage house is completely finished; it has heating, air, electricity, water, and sewer. This area would be used for storage. Kolb asked if there would be a covered walkway from the kitchen to the carriage house and Stanley answered in the affirmative. It was stated that there would be a 2-hour fire suppression between the commercial kitchen and the residence. Stanley said that she is hoping to have the switchover completed by middle to end of December. It was moved by Wedekind, seconded by Marshall to recommend the approval of the GDP/SIP to the Council and forward it to them for the public hearing on the zoning ordinance. On roll call vote for the motion, Ayes – Marshall, Boeggner, Palm, Wedekind, Franzen, O'Neill, and Kolb. Nay – 0, motion carried 7-0.
- f. Consider a proposed Zoning Code Amendment to allow a 4-plex to be converted to side-by-side-by-side-by-side single-family attached residential dwellings – Pinion said that the immediate phase of the Jackson Farm is four 16-unit apartment buildings. He said that next year's phase would include several four-plexes, couple of duplexes, and a handful of single-family homes. He said that the four-plexes as discussion has taken place with the developer throughout this concept being developed; he would like to be able to sell these for independent ownership. Pinion said this would be similar to the zero-lot line duplexes that we have done several times. He said that zoning ordinance does not afford the opportunity, by conditional use permit or by any use to have them independently owned. Pinion said that if it were a condominium they could be platted that way, the units would be owned independently, but the common area would be around it. He said that it is the developer's preference to go individual units on individual lots. Pinion said that a zoning code amendment could be done or, if it would be right for a PUD, it could be applied over just those six four-plexes, following the same standards as the duplex conversion, with the same type of covenants and restrictions. Pinion is asking the Commission which direction is more appropriate. Palm said he does not see much of a difference here from duplexes, other than four lots instead of two. He feels people like having their own property. Palm said it would be his opinion to change the zoning code. Kolb feels that the PUD would be the better way to go because it gives the City more control. Pinion said that the conditional use is a shorter time span; however, removes the majority of the Commission's discretion, the burden of proof shifts entirely on the municipality as opposed to the applicant. He said a PUD is a longer process, but it affords the Commission a whole lot more discretion. It was the consensus of the Commission to move forward as a PUD.

**Adjournment** - It was moved by Kolb, seconded by Franzen adjourn at 5:57 p.m. The motion carried unanimously.

Mike Palm  
Plan Commission Chair (Mayoral Designee)